

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HANS ALEXANDER,

Plaintiff,

-v-

No. 07 Civ. 6042 (LTS)(DFE)

CITY OF NEW YORK, NEW YORK POLICE DEPT.,
P.O. PALINKAS of the 48th Pct, and Thirteen (13)
Unknown (or) Jone Doe Police Officers,

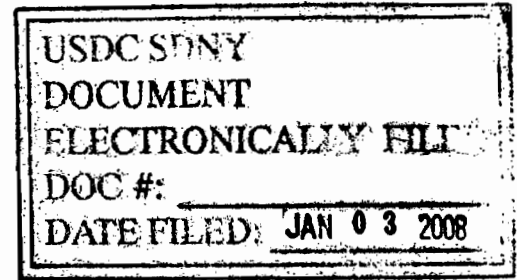
Defendants.

LAURA TAYLOR SWAIN, United States District Judge

ORDER ADOPTING REPORT & RECOMMENDATION

The Court has reviewed Magistrate Judge Eaton's December 13, 2007, Report and Recommendation (the "Report") which recommends that the Court dismiss the complaint in plaintiff pro se prisoner Hans Alexander's above-captioned action, brought pursuant to 42 U.S.C. § 1983. The Court has received a letter dated December 17, 2007, from Plaintiff explaining that the above-captioned case was filed in error. The Court has received no objections to the Report.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record. "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117, at

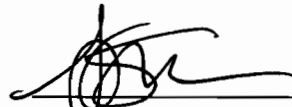


*1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003).

The Court has reviewed carefully Magistrate Judge Eaton's thorough Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, Plaintiff's complaint is dismissed without prejudice, for failure to comply with Judge Eaton's September 25, 2007, Order.

SO ORDERED.

Dated: New York, New York
January 3, 2008



LAURA TAYLOR SWAIN
United States District Judge